IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11700 of 2004

Between:

1. G. Rajavardhana Redy S/O. G. Narsi Reddy
   Thummanpeta PACS Balmuru Mandal,

Mahaboobnagar District.
2. B. Dharmaveer S/o. Chandramouli
   Rakonda PACS, Telkapally Mandal,

Mahaboobnagar District.

..... PETITIONERS

AND

1 The District Cooperative Officer, Mahaboobnagar District at Mahaboobnagar.
2 The Divisional Cooperatie Officer, Nagarkurnool, Mahaboobnagar District.
3 The District Cooperatie Central Bank Ltd., Mahaboobnagar District at Mahaboobnagar.
4 The Thummanpeta PACS , Balmuru Mandal, Mahaboobnagar District rep. by its Chairman/PIC.
5 The Rakonda PACS, Telkapally mandal, Mahaboobnagar District rep. by its Chairman PIC.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents 1 to 3 in issuing directions to the respondents 4 to 5 societies in terminating the service of the petitioners on the ground of application of A.P. (Regulation of Appointments to Public Service & Regulation of Staffing Pattern and Pay Structure) Act, 1994 Act 2 of 1994 and further G.O.Ms.No.94 dated 28.2.2004 as highly illegal, arbitrary and

violative of Art. 14 of the Constitution of India.
Counsel for the Petitioner: MR.G.V.SHIVAJI
Counsel for the Respondent Nos.1 & 2: GP FOR COOPERATION
Counsel for the Respondent No.3: Mr.S.Laxma Reddy
Counsel for the Respodent No.3: Mr M.Vasudeva Reddy

The Court made the following :

W.P.No.11700 of 2004

ORDER:

Both the petitioners are employees of Thummapenta and Rakonda Primary Agricultural Cooperative Societies respectively. They have questioned the directions issued by the General Manager of the District Cooperative Central Bank, Mahaboobnagar, directing the concerned Primary Agricultural Cooperative Societies to terminate the services of the employees of respective societies who were appointed contrary to the A.P. (Regulation of Appointments to Public Service & Regulation of Staffing Pattern and Pay Structure) Act, 1994 (Act 2 of 1994).

Learned counsel for the petitioners submitted that the General Manager of the District Cooperative Central Bank, Mahaboobnagar, has no power under the Cooperative Societies Act to exercise the powers of the Registrar of the Cooperative Societies.

It is stated in the said order that no appointment shall be made after the Act 2 of 1994 came into force and even as per the amended Section 116-C of the Andhra Pradesh Cooperative Societies Act 1964 (for short ‘the Act’).

I have taken view that Act 2 of 1994 has no application to the appointments to be made by the Primary Agricultural Cooperative Societies. It is for the Society to fix the staffing pattern, pay scales and other allowances in accordance with the provisions of Section 116-C of the Act, subject to the condition that the total expenditure on the pay and allowances shall not exceed 2% of the working capital or 30% of the gross profit in terms of the actuals in a year, which ever is less, as approved by the Registrar of the Cooperative Societies. Therefore, it is for the Society and the authorities under the Cooperative Societies Act to take appropriate action. But the General Manager, District Cooperative Central Bank, Mahaboobnagar, cannot exercise any powers under the Act and the rules made thereunder.

Accordingly, the writ petition is allowed setting aside the proceedings of the 3rd respondent dated 08-06-2004 keeping it open for the respective Co-operative Societies to take action in accordance with law under Section116-C of the Act. No costs.

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16-09-2004

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To

1 The District Cooperative Officer, Mahaboobnagar District at Mahaboobnagar.
2 The Divisional Cooperatie Officer, Nagarkurnool, Mahaboobnagar District.
3 The District Cooperatie Central Bank Ltd., Mahaboobnagar District at Mahaboobnagar.
4 The Thummanpeta PACS , Balmuru Mandal, Mahaboobnagar District rep. by its Chairman/PIC.
5 The Rakonda PACS, Telkapally mandal, Mahaboobnagar District rep. by its Chairman PIC.

6.Two CCs to GP for Cooperation, High Court buildings, Hyderabad (OUT)

7. Two CD copies.